

# **SAINT VINCENT AND THE GRENADINES 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. The prime minister is the head of the government. The United Kingdom's Queen Elizabeth II is the head of state, represented by a governor general. On November 5, Ralph Gonsalves was elected to a fifth consecutive term as prime minister. Regional and local observers assessed the election as generally free and fair.

The Royal Saint Vincent and the Grenadines Police is the only security force in the country and is responsible for maintaining national security. Its forces include the Coast Guard, Special Services Unit, Rapid Response Unit, Drug Squad, and Antitrafficking Unit. Police report to the minister of national security, a portfolio held by the prime minister. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included the criminalization of libel and the criminalization of consensual same-sex conduct between men, which were not enforced during the year.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or

unlawful killings.

## **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no reports the government employed them systematically.

## **Prison and Detention Center Conditions**

Prison conditions were less than adequate, although they varied depending on the facility.

**Physical Conditions:** As of September, the prison population was 385. The two facilities for male prisoners were near capacity throughout the year. Limited prison capacity prevented authorities from segregating juvenile offenders, with offenders between the ages of 16 and 21 held with adult prisoners. Prisoners younger than age 16 were held in a separate facility. Female prisoners were held in a makeshift facility while construction of a women's prison was underway.

Limited physical space and inadequate training for prison officials hindered accommodations for prisoners with disabilities.

**Administration:** Authorities investigated credible allegations of mistreatment.

**Independent Monitoring:** The government permitted monitoring by independent nongovernmental observers. No representatives of nongovernmental organizations (NGOs) visited or monitored the prisons during the year.

## **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The

government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

The law requires a judicial authority to issue arrest warrants. The bail system was generally effective. Authorities generally gave detainees prompt access to a lawyer. For indigent detainees accused of a capital offense, the state provides a lawyer. For other crimes the state does not provide a lawyer, and defendants without the financial means to hire a lawyer must represent themselves.

Although lengthy delays prior to preliminary inquiries were reported, government authorities and civil society reported compliance with Court of Appeal guidelines that require a preliminary hearing to be held within nine months of detention.

**Arbitrary Arrest:** Police arrested a woman suspected of having injured Prime Minister Gonsalves during a protest in August in Kingstown. An attorney representing the suspect reported that police intimidated the woman and forced her to confess to the charge; the attorney also noted being unable to contact her client for several hours and complained of not receiving information related to the charge. The accused subsequently pleaded not guilty. In September she was charged with another offense.

Police raided the homes of several opposition supporters and other activists following the injury of Prime Minister Gonsalves during the protest in Kingstown. A week after the incident, two opposition activists were arrested and charged with public order offenses related to the August protest and other demonstrations prompted by the government's COVID-19 vaccine policy and other national issues. In September one of the political activists was arrested again for alleged breaches of parliamentary privileges. As of October, the individuals were free on bail and awaiting trial.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally

respected judicial independence and impartiality.

### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants are presumed innocent until proven guilty and are informed promptly and in detail of the charges. Defendants have the right to a fair, timely, and public trial and to be present at the trial. Defendants can select an attorney of their choice. The court appoints attorneys only for indigent defendants charged with a capital offense. Defendants have adequate time and facilities to prepare a defense. Defendants have access to free assistance of an interpreter as necessary.

Defendants could confront and question witnesses and present their own witnesses and evidence. Defendants cannot be compelled to testify or confess guilt.

Witnesses and victims sometimes refused to testify because they feared retaliation.

Defendants may appeal verdicts and penalties.

### **Political Prisoners and Detainees**

There were no reports of political prisoners and detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent, impartial judiciary in civil matters where one may bring lawsuits seeking damages for human rights violations. Individuals may appeal domestic courts' decisions to the Eastern Caribbean Court of Appeal or the United Kingdom's Privy Council.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government

failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** In June a local newspaper reported that police forced one of its journalists to delete a recording of an interview at a local hospital with a patient who accused police of brutality.

**Libel/Slander Laws:** Civil society observers reported concerns about criticizing the government, primarily due to fear of facing libel charges, including under the cybercrime act. Civil society representatives indicated these fears resulted in media outlets practicing self-censorship. The act establishes criminal penalties, including imprisonment, for offenses including libel by electronic communication, cyberbullying, and illegal acquisition of data. In August Prime Minister Gonsalves threatened to sue a newspaper columnist, a former speaker of the lower house of parliament, for libel, accusing him of publishing an article that contained defamatory words. The prime minister's lawyer asked the columnist to pay a substantial sum in damages or be sued. The prime minister agreed not to take legal action against the newspaper outlet that published the story after it subsequently removed the article at his request.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private

online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Civil society representatives, however, reported citizens were hesitant to participate in antigovernment protests due to fear of retaliation (see section 1.d., Arbitrary Arrest).

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Information on the government's cooperation with the Office of the UN High Commissioner for Refugees was unavailable.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status; the government addresses each case individually. The government has not established a system for protecting refugees.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair

periodic elections held by secret ballot and based on universal and equal suffrage.

## **Elections and Political Participation**

**Recent Elections:** In November 2020 the United Labour Party won nine of the 15 elected seats in the unicameral House of Assembly, which also includes six appointed senators. The New Democratic Party won most of the popular vote but secured only six seats. Regional observers from the Caribbean Community declared the elections generally free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. There was one woman, an appointed senator, in the 21-seat legislature.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively.

**Corruption:** NGO representatives alleged that multiple COVID-19 relief measures, including programs directed at supporting small businesses and food security, were awarded solely to supporters of the government.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic human rights organizations, including the domestic Saint Vincent and the Grenadines Human Rights Association (SVGHRA), generally operated without government restriction, investigating and publishing their findings on human rights cases. The government held various meetings with civil society that included the SVGHRA. The SVGHRA's viewpoints were often dismissed, however, due to the government's perception that it was aligned with the opposition. Even when government officials shared the group's concerns, senior

officials reportedly intimidated their subordinates into investigating allegations of human rights abuses.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is illegal. Sentences for rape begin at 10 years' imprisonment. Authorities referred allegations of rape or physical or sexual abuse of women to police, who were generally responsive to these complaints.

According to the most recently available data from the Family Court,<sup>124</sup> protection orders were issued between January and July. The government occasionally offered sexual abuse awareness training, but civil society representatives argued such efforts were insufficient to address the root problems that perpetuated an environment of insensitivity to sexual abuse victims. Police and human rights groups reported that perpetrators commonly made payoffs to victims of rape or sexual assault in exchange for victims not pressing charges.

Civil society groups continued to report that domestic violence against women remained a serious and pervasive problem. There were some high-profile prosecutions of perpetrators during the year; moreover, the Division of Gender Affairs in the Ministry of National Mobilization offered programs to assist women and children. In the past the ministry maintained a crisis center for survivors of domestic violence, but the center was closed for renovations throughout the year.

**Sexual Harassment:** The law does not specifically prohibit sexual harassment; authorities could prosecute such behavior under other laws. Sexual harassment was reportedly widespread, particularly in the workplace. Local human rights groups and women's organizations considered enforcement in the workplace ineffective, citing a lack of sensitivity by government officials, particularly towards economically vulnerable populations.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary

sterilization on the part of government authorities.

Contraception was widely available. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage.

The government provided access to sexual and reproductive health services, including emergency contraception, for survivors of sexual violence through the Ministry of National Mobilization, Family, Gender Affairs, Youth, Housing, and Informal Human Settlement. The local NGO Marion House worked with various divisions of the ministry (e.g., the Gender Affairs Division and the Child Development Division), in addition to the Family Court and Ministry of Health, to assist victims of sexual and gender-based violence.

**Discrimination:** Women enjoy the same legal rights to family, nationality, and inheritance as men. Women receive an equitable share of property following separation or divorce. The law requires equal pay for equal work, and authorities generally enforced it. No specific law prohibits employment discrimination based on sex, and women were restricted from working in some industries.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibits racial discrimination but does not specifically mention ethnicity. The country does not have a racially or ethnically diverse population. Approximately 71 percent of the population is Black, and 23 percent is mixed, primarily of African descent; 3 percent is indigenous.

## **Children**

**Birth Registration:** Citizenship is derived by birth within the country's territory or by descent via either parent. Birth registration usually took place within a few days of a child's birth.

**Child Abuse:** The law provides a legal framework, including within domestic violence laws, for the protection of children. The Family Services Division of the Ministry of Social Development monitored and protected the welfare of children. The division referred all reports of child abuse to police for action and provided

assistance in cases where children applied for protection orders with the Family Court. The police commissioner reported that officers received training in several areas, including child abuse and investigation of sexual offenses.

Child abuse cases were reported. Unlawful sexual intercourse with children younger than age 15 remained a problem, with some cases possibly linked to transactional sex. Government and NGO interlocutors indicated that child abuse remained a significant problem. In July a barber was sentenced to 19 years in prison for the 2019 rape of a child.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 18. Parental consent is required for underage marriage.

**Sexual Exploitation of Children:** The law does not include provisions that expressly prohibit the use of children for prostitution, pornography, or pornographic performances. The law prohibits girls younger than age 15 and boys younger than 16 from engaging in consensual sexual relations, and the government enforced the law. The law prohibits statutory rape, with special provisions for persons younger than age 13. Observers noted that male and female teenagers engaged in commercial and transactional sex. There continued to be indications adults may have exploited their children in sex trafficking to generate income. Government officials conducted sensitization workshops in the community and schools to address the problem.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

There was no organized Jewish community, and there were no reports of anti-

Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report>.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, mental, and intellectual disabilities, and the government generally enforced these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access to buildings generally was difficult. Government officials and NGOs reported government funding for organizations supporting persons with disabilities was insufficient to meet needs. No significant reports of violence, harassment, intimidation, or abuses against persons with disabilities by government officials or employees were received during the year. NGOs reported subtle discrimination in hiring practices throughout the economy. The government reported that programs to improve recruitment and hiring of persons with disabilities such as the Youth Employment Scheme and the Secondary Education Training Program were no longer operational.

## **HIV and AIDS Social Stigma**

Anecdotal evidence suggested there was some societal discrimination against persons with HIV or AIDS, especially in employment. The government provided food packages to some persons with HIV or AIDS, but civil society reported that eligible participants had to preregister at health centers, which some individuals were reluctant to do due to fear of public identification and discrimination. NGOs operated a network to assist persons with HIV or AIDS with medical services and psychosocial support.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual conduct between adults is illegal under gross indecency statutes, and sexual conduct between men is illegal under anal

intercourse laws. Indecency statutes carry a maximum penalty of five years' imprisonment, and anal intercourse carries a maximum penalty of 10 years in prison, although these laws were rarely enforced. No laws prohibit discrimination against a person based on sexual orientation or gender identity.

Local civil society organizations continued to note an increase in physical and verbal attacks on lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. In sentencing two men who had pleaded guilty to assaulting and robbing an LGBTQI+ person in a 2018 incident, a High Court judge declared in October that the court "could not turn a blind eye to....the underlying theme of these offenses," calling for all citizens "regardless of their orientation....to be allowed to live their lives in peace." The offenders faced up to 44 years in prison but were instead given suspended sentences and minimal monetary fines.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes. The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law prohibits antiunion discrimination and dismissal for engaging in union activities. Although the law does not require reinstatement of workers fired for union activity, a court may order reinstatement.

The government recognizes the right to freedom of association, with restrictions. The International Labor Organization (ILO) noted with concern the discretionary authority of the government over trade union registration and the government's unfettered authority to investigate the financial accounts of trade unions.

The government generally respected the right to collective bargaining in the private sector. Authorities formed arbitration panels, which included tripartite representation from government, businesses, and unions, on an ad hoc basis when labor disputes occurred.

Workers providing essential services – defined as the provision of electricity, water, hospital, and police services – are prohibited from striking unless they

provide at least 14 days' notice to authorities. Some of these sectors were not covered under the ILO's description of essential services.

The government generally did not enforce labor laws effectively. Penalties were undefined and thus were not commensurate with penalties for other violations involving denials of civil rights, such as discrimination.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. Penalties against forced labor carry punishments commensurate with those for analogous crimes, such as kidnapping. The ILO expressed concern that membership in an illegal organization could result in prison labor, in contravention of Convention 105, Abolition of Forced Labor.

While there were no forced labor investigations during the year, civil society representatives reported that a small number of persons, including minors, remained vulnerable to forced labor in underground economic activities in the drug trade and prostitution.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law bars the worst forms of child labor and sets the minimum working age at 14. Compulsory education ends at age 16. The law prohibits children and youth from working between the hours of 10 p.m. and 7 a.m. Children younger than age 18 may not work for more than 12 hours a day. The laws and regulations do not specify the types of hazardous work prohibited to children.

The government did not effectively enforce child labor laws, and penalties were not commensurate with those for analogous crimes. The Department of Labor did not conduct any inspections specifically related to child labor. Instead, the government relied on general labor inspections to identify any child labor violations, but these inspectors had no specialized training on identifying child labor. The government, however, reported hiring an additional labor inspector to

improve overall labor enforcement. There were no reported complaints related to child labor. Covered under national trafficking-in-persons legislation, penalties for the worst forms of child labor could result in 20 years' imprisonment and were sufficient to deter violations.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/agencies/ilab/resources/reports/child-labor/findings](http://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings).

#### **d. Discrimination with Respect to Employment and Occupation**

Laws and regulations related to employment and occupation prohibit discrimination based on sex, age, or disability. While the constitution generally covers discrimination, no laws specifically prohibit discrimination against a person based on race, religion, political opinion, national origin, social origin, or language. There are legal restrictions against employing women in certain occupations, including mining, construction, factory work, energy, and water.

The law does not prohibit sexual harassment in employment or protect workers impacted by it. Whether the law covers discrimination due to sexual orientation, gender identity, or HIV-positive status was untested in court. The government did not effectively enforce laws prohibiting employment discrimination. Penalties were not commensurate with laws related to civil rights, such as election interference.

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** Minimum wages varied by sector and type of work and were below the poverty line. The law prescribes hours of work for categories, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time-and-a-half pay for hours worked above the standard workweek. There was a prohibition against excessive or compulsory overtime, which authorities did not enforce effectively.

**Occupational Safety and Health:** Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment; however, the government did not effectively enforce occupational safety and health laws.

Penalties for violations were not commensurate with those for analogous crimes, such as negligence. The law also appeared to exempt public-sector employees as well as those working on public-sector projects from these laws.

Major occupational safety and health issues included industrial safety, specifically exposure to harmful substances and compliance with safety protocols. Inspectors conducted unannounced inspections but were not authorized to levy sanctions. The largest difficulty was government capacity. The ILO reported no training had been provided to labor inspectors since 2011 and that most officers who had been trained were no longer employed by the Department of Labor. The frequency of inspections decreased at the beginning of the COVID-19 pandemic and reportedly had not changed since then. The Department of Labor does not have the legal authority to impose fines for violations, but it conducted follow-up inspections to assess if the shortfalls had been addressed; no employers were fined or cited for workplace violations. Judicial officials have the authority to prosecute violations of workplace law and impose fines. Workers who receive less than the minimum wage may file a claim with labor inspectors, who investigate and, if warranted, refer the matter to arbitration. The Labor Department received complaints from workers concerning violations of working conditions but did not provide further details regarding the frequency or severity of these violations.

**Informal Sector:** The government does not collect data on the informal sector. Workers apparently are not covered by wage, hour, or occupational safety and health laws or inspections.